

AB:MAA

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
:  
IN THE MATTER OF THE EXTRADITION OF : Case No. 22 MJ 271  
JHON DARWIN LEON HERAS A/K/A JOHN :  
DARWIN LEON HERAS A/K/A JHON DARWIN : Pursuant to 18 U.S.C. § 3184  
LEON A/K/A JHON D. LEON A/K/A JOHN :  
DARWIN HERAS LEON :  
----- X

EASTERN DISTRICT OF NEW YORK, ss.:

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. In this matter, I represent the United States in fulfilling its treaty obligation to the Republic of Ecuador (“Ecuador”).
2. There is an extradition treaty in force between the United States and Ecuador. *See* Extradition Treaty Between the United States of America and the Republic of Ecuador, U.S.-Ecuador, June 28, 1872, 18 Stat. 756, and Supplementary Extradition Treaty Between the United States of America and Ecuador, U.S.-Ecuador, Sept. 22, 1939, 55 Stat. 1196 (collectively, the “Treaty”).
3. Pursuant to the Treaty, the Government of Ecuador has submitted a formal request through diplomatic channels for the extradition of Jhon Darwin Leon Heras a/k/a John Darwin Leon Heras a/k/a Jhon Darwin Leon a/k/a Jhon D. Leon a/k/a John Darwin Heras Leon (“Leon Heras” or the “Fugitive”), a dual U.S. and Ecuadorian national.
4. According to the information Ecuador has provided, Leon Heras is accused of murder, in

violation of Article 140, items 4, 6, and 7, of Ecuador's Comprehensive Organic Criminal Code.

5. This offense was committed within the jurisdiction of Ecuador. On or about October 15, 2014, Judge Jorge Pinos Palomino of the Judicial Branch of Cañar, Ecuador, issued a warrant for Leon Heras's arrest.

6. The extradition request presents the following information, which Ecuadorian authorities obtained from police reports, witness statements, a crime scene reconstruction report, and autopsy reports:

a. On or about the evening of October 12, 2014, and/or early morning of October 13, 2014, Leon Heras and Cristian Marcelo Sarmiento Heras ("Sarmiento Heras") were at a late-night party with Juan Carlos Heras Cedeño ("Heras Cedeño"), Jorge Javier Urgilés Paredes ("Urgilés Paredes"), and others. After the party ended, the four men went to Heras Cedeño's home and the nearby area to continue drinking. On or about October 13, 2014, around 1 a.m., a fight ensued, and Leon Heras and Sarmiento Heras killed Heras Cedeño and Urgilés Paredes.

b. Claudio Bolivar Rivera Heras, who was with the group before the murders, stated, in sum and substance, that "John<sup>1</sup> got excited and said, referring to Marcelo, I will teach you to fight and began to kick his feet, and since he began to behave treacherously I left and I went to [the house of] my sister . . . ." The witness stated that subsequently, his sister told him, in sum and substance, that there was a fight "among John, Cristian, Juan Carlos Heras and Jorge Urgilés Paredes . . . ."

c. Erika Rocio Ochoa Heras did not see the fight but recalled, in sum and substance, that on the evening of the incident, she was in her room, "and I heard that John Darwin Leon said

---

<sup>1</sup> The government believes that "John," "Jhon," "John Leon," "John Darwin Leon," and "John Darwin" all refer to Leon Heras.

to Cristian Sarmiento to bring a machete, and if he doesn't he will kill him, too, and then I heard that Jorge Urgilés was screaming asking not to kill Juancho (Juan Carlos Heras Cedeño)." The witness further recalled, in sum and substance, that "in that moment, the music was at high volume and I could watch that John Leon gave flying kicks to the handrail of the balcony." The witness further stated, in sum and substance, that after her uncle Bolivar came home, she "saw that Juancho [Juan Carlos Heras] came, . . . and th[at] Juancho was with Jorge Javier Urgiles." Additionally, the witness recalled that Juancho said, in sum and substance, "what are you doing in my house[,] referring to Cristian Marcelo and John Darwin," and Juancho eventually came inside at Cristian and John's urging to drink with them.

d. Cristian Jhonnathan Ochoa Heras stated, in sum and substance, that on the evening in question, "John Darwin Leon was kicking the pillar and balcony of Ruben Heras' house, and Jhon, Cristian, and my uncle, Bolivar Heras were also drinking liquor." After the witness's uncle Bolivar returned to the witness's house, the witness, in sum and substance, "heard the voice of the deceased Jorge Javier Urgilés that said not to hit him and leave him there and it seems that they threw the deceased Jorge way down . . . because there was a very strong sound, I also heard like a sound of a machete against a pole and then silenced and I didn't listen anymore." Additionally, the witness stated, in sum and substance, that "since I was inside the house I heard that [J]uancho (Juan Carlos Heras) told them what are you doing in my house."

e. Luis Rigoberto Correa Garcia stated, in sum and substance, that Urgilés Paredes had come to his house around 1 a.m. on October 13, 2014, and asked for help because Heras Cedeño "was hit by a John and a Cristian." The witness also stated, in sum and substance, that he thought that "they killed the citizen Jorge Javier Urgilés Paredes because he witnessed the fight with [Heras Cedeño], by this John and this Cristian."

f. Maria Carmen Mejia stated, in sum and substance, that she saw “Jhon Darwin Leon and Cristian Marcelo Sarmiento were hitting Juan Carlos” and that “both aggressors were thrusting a metallic object (*chuzo*) into Juan Carlos.” A *chuzo* is a stick reinforced with an iron spike. The witness stated that she recognized Leon Heras and Sarmiento Heras in photographs that were shown to her. The witness stated that she was able to see because she lives approximately one hundred meters from where the incident occurred, in a high place.

g. The autopsy reports for Heras Cedeño and Urgilés Paredes conclude that the victims were assaulted by blunt instruments and a bladed weapon. The bodies of Heras Cedeño and Urgilés Paredes were both discovered in the same area where witnesses saw and heard the fight with Leon Heras and Sarmiento Heras.

7. On March 9, 2022, United States law enforcement found and arrested Leon Heras at 32-38 99<sup>th</sup> Street in Queens, New York, in the Eastern District of New York, pursuant to an arrest warrant for Leon Heras that a magistrate judge in the Southern District of New York had issued for Leon Heras on or about February 11, 2022, based on an extradition complaint that alleged substantially the same facts as those set forth above.

8. Katherine C. Fennell, an attorney in the Office of the Legal Adviser of the U.S. Department of State, has provided the U.S. Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the Treaty, stating that the Treaty covers the offense for which extradition is requested, and confirming that the documents supporting the request for extradition are certified in accordance with 18 U.S.C. § 3190 so as to enable them to be received into evidence.

9. The declaration from the U.S. Department of State with its attachments, including a copy of the diplomatic note from Ecuador, a copy of the Treaty, and the certified documents submitted

in support of the request are attached hereto as Exhibit 1 and incorporated by reference herein.

WHEREFORE, the undersigned requests that the Court detain Leon Heras in accordance with 18 U.S.C. § 3184 and the Treaty, pending extradition proceedings.

/s/ Meredith A. Arfa  
Meredith A. Arfa  
Assistant United States Attorney  
Eastern District of New York

Sworn to before me via telephone  
this 9th day of March, 2022

Taryn A. Merkl  
THE HONORABLE TARYN A. MERKL  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK